

**RECORD OF PROCEEDINGS**  
Special Meeting of Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 17, 2015

Held \_\_\_\_\_ 20 \_\_\_\_\_

**CALL TO ORDER**

Mayor Keenan called the Tuesday, February 17, 2015 Special Meeting of Dublin City Council to order at 6:00 p.m. at the Dublin Municipal Building.

**ROLL CALL**

Members present were Mayor Keenan, Vice Mayor Gerber, Ms. Chinnici-Zuercher, Mr. Lecklider, Mr. Peterson, yes; Mr. Reiner, yes; Ms. Salay, yes.

Staff members present were Mr. McDaniel, Ms. Mumma, Mr. Foegler, and Ms. Readler. Also present was Chris Franzmann of Squire Patton Boggs LLP.

**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 14-15**

**An Ordinance Determining the Sufficiency of the Petition to Establish the Bridge Park New Community Authority, Authorizing the Execution of Such Petition by the City as a Proximate City, Setting a Date for a Public Hearing under Chapter 349 of the Ohio Revised Code, and Declaring an Emergency.**

Ms. Chinnici-Zuercher introduced the ordinance.

Ms. Mumma stated that, as discussed at the last Council meeting as well as in the staff memo, staff has been working with Crawford Hoying, developer of the development known as Bridge Park. Staff anticipates that as this project moves forward for consideration, there will be a number of items to be facilitated in order for this project to occur. These include:

1. Creation of a New Community Authority (NCA), which is to be discussed tonight.
2. The establishment of a few different Tax Increment Financing (TIF) districts, specifically created under Section 5709.40 and 5709.41 of the Ohio Revised Code as well as the establishment of a Community Reinvestment Area (CRA), which would facilitate a tax abatement in the area in which Bridge Park is being developed.
3. Overarching this entire development, a development agreement between the City of Dublin and the developer is expected. This agreement will define the overall business terms of the public/private partnership and provide the framework for the utilization of the TIF districts, the CRA, and the NCA for the implementation of Bridge Park. If that development agreement is not executed, the other proposed items will ultimately not be implemented. Each of these will require separate legislation, which will be brought forward for Council's consideration.

New Community Authority

The NCA proposed by the developer is being done in order to provide a funding mechanism for the parking facilities, a special event/conference facility and a performing arts center – as well as any payment that might be required to be made by the developer to the City under the development agreement.

The NCA was proposed by the developer in response to the City's request that the City not provide financing or backing for any of the facilities previously mentioned. This is the developer's response to find a funding mechanism to provide for the parking facilities and other community facilities.

The geography of the area proposed for the NCA encompasses all the properties that area currently owned or under contract with Crawford Hoying. (Slide shown depicting the are of the proposed NCA.) The land owned by the City of Dublin is not included in the proposed NCA at this time. However, over the course of time, staff expects that Crawford Hoying will own additional pieces of property within this area, at which time a request to revise the NCA authority would come back to Council for consideration – using the same process.

Crawford Hoying, as the developer who owns and controls the land, has prepared and filed a petition with the City of Dublin as the proximate city, as well as the organizational board of commissioners. In addition, that petition has been filed with the Franklin County Board of Commissioners, as required by the Ohio Revised Code (ORC). The petition received by Council in the packet on Friday and pursuant to the ORC, must address eight areas:

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1. The name of the New Community Authority.
2. The address of the NCA.
3. A map and full description of the boundaries of the NCA and any properties that would be excluded from it. Those were included in the packet as exhibits "A" and "B."
4. A statement of the current and proposed zoning -- Exhibit "C." This information is directly from the Dublin Code.
5. The current plan of development -- Exhibit "D."
6. The suggested number of the board of trustees, which has been recommended at seven. Of those seven, four would be appointed by Dublin City Council with the remaining three appointed by the developer.
7. A preliminary economic feasibility analysis, including a provision of public services. Those were outlined in exhibits "E" and "F."
8. A statement that the development will comply with the environmental laws.

The items not articulated in the exhibits were included in the petition document itself.

The City Administration and Legal staff have reviewed the petition and have determined it is sufficient in meeting the statutory requirements outlined in ORC Chapter 349. As such, staff is recommending approval of Ordinance 14-15, dispensing with the public hearing and passing the ordinance as an emergency. Staff is requesting approval tonight due to the proximate city issue. On March 21, 2015, certain statutory limitations will expire. Any NCA created after March 21, 2015 would have the City of Columbus -- the largest city in the county -- as the proximate city. Therefore, it is the desire of the developer as well as the Administration to establish the NCA prior to March 21 to ensure the City of Dublin is the proximate city.

She noted that Ordinance 14-15, as presented does three things:

1. Determines the sufficiency of the petition, i.e. does it meet the eight criteria.
2. Authorizes the execution of the petition by the City of Dublin as the proximate city.
3. Sets a date for the public hearing. Staff is recommending this be scheduled on Thursday, March 19 at 6:30 p.m.

If this ordinance is approved by Council tonight, staff recommends that a Special Meeting of Council be scheduled on Thursday, March 19 during which there would be a public hearing regarding the creation of the NCA. City Council would be requested at that time to approve the ordinance authorizing the actual creation of the NCA as well as appoint four individuals to serve on the NCA board of trustees.

Mayor Keenan asked for clarification. Is the City required to appoint the board members on March 19?

Ms. Mumma responded that the ORC requires that the board members be appointed within 10 days of the creation of the NCA.

Mayor Keenan stated that Council would therefore need to determine the members to be appointed prior to this time.

Ms. Mumma reminded Council that approval of the sufficiency ordinance tonight does not obligate the City to any future business terms, which would be included as part of the development agreement. Establishing the NCA by taking this first step of approving the sufficiency of the petition is the first step in a longer process. The legislation does not absolve the developer from the necessary development reviews or from obtaining any approvals from the necessary bodies within the City of Dublin.

Ms. Readler stated that there are some minor technical corrections needed in the petition related to acreage, legal descriptions and a Zoning Code reference. The developer was made aware of this and submitted the corrected documents.

Ms. Mumma noted that the developer can now address Council regarding any questions Council may have about the NCA.

Nelson Yoder, Crawford Hoying Development Partners, Ltd. stated that he can respond to any questions or provide any further explanation. Matthew Starr, a partner with Crawford Hoying is also present. He is one of the four partners who live in Dublin. Also present is their financial advisor, Michael DiPerna of DiPerna Economic Development Advisors and

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Price Finley of Bricker and Eckler both of whom can respond to specific questions regarding the NCA.

Mayor Keenan asked Ms. Mumma to confirm that, after the NCA process concludes, there will be additional reviews by Council of the development agreement

Ms. Mumma responded that is correct.

Mayor Keenan stated that the NCA could be terminated, if Council is not satisfied with the development agreement. Is that correct?

Ms. Mumma responded affirmatively. Language will be included in the legislation to be reviewed by Council on March 19 for the establishment of the NCA that would dissolve the NCA should a development agreement between the City and the developer not be executed.

Mr. McDaniel stated that language would also be included regarding the zoning approvals needed.

Vice Mayor Gerber emphasized that the reason the NCA is being considered at this time is due to the sunset provision in the Ohio Revised Code, changing the proximate city after March 21 to the largest city in the county. The City of Dublin is simply preserving its rights by considering this legislation prior to that time.

Ms. Mumma confirmed that is correct.

Ms. Chinnici-Zuercher asked about the status of the development agreement related to the Bridge Park project.

Ms. Mumma responded that weekly meetings are taking place with the developer and staff; discussion between the two parties continues. The weekly meetings are scheduled with the goal of completing the draft agreement. At this point, she cannot predict the timeframe for the development agreement being ready for review by Council.

Ms. Chinnici-Zuercher stated that her understanding is that having approval of the development agreement relates to the timeframe for initiation of the project.

Ms. Mumma responded that the developer has a desired timeline for the project. Staff is working diligently to meet that timeframe; however, it is important that all aspects of the development agreement are fully considered and this requires significant time to complete.

Vice Mayor Gerber stated that his sense is that the development agreement will not be ready for Council's review for at least 60 days.

Ms. Mumma responded that is possible because staff wants to be comfortable in making their recommendation to Council regarding the agreement. The development is complex and requires significant review as part of the due diligence.

Vice Mayor Gerber asked if there is a time by which the economic development agreement must be in place, if Council does approve the sufficiency ordinance tonight and the establishment of the NCA on March 19. Could it be a longer period of time, such as eight months?

Mr. McDaniel responded he does not believe the development agreement has to be executed by a certain time. The focus at this time is to preserve the option for the NCA by approving legislation prior to March 21. He does not anticipate having a significant draft of the development agreement to Council in the near future. Staff is working very hard on this, especially Ms. Mumma and Mr. Foegler. The developer has been very responsive to the City's needs as well. The key aspect is that, even if the NCA is established on March 19, the NCA can be dissolved if the development agreement is not approved at a later date.

Vice Mayor Gerber stated that he does not want to be in a situation where everyone is rushed in the review of zoning or economic development agreements in order to meet a deadline.

Mr. Peterson noted that a statement was made that if additional property were brought in the NCA, the same process would take place. Would the City then have a proximate city issue or is the current NCA simply amended?

Ms. Mumma responded that the current NCA would be amended and the proximate city issue would not come into play.



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Mayor Keenan stated that any additional NCAs that might occur in the future with Crawford Hoying or other developers would therefore have the proximate city as Columbus.

Ms. Mumma responded that is correct.

Vice Mayor Gerber asked if other developers could join in this already established NCA at a later date.

Ms. Mumma responded affirmatively, noting that this district would simply be amended, keeping Dublin as the proximate city.

Mr. Lecklider asked for clarification – does this mean it could go outside the boundaries of this NCA?

Ms. Mumma responded that any amendment to expand the boundaries of this NCA would have to be reviewed and approved by Council.

Mr. Lecklider asked if there are limitations to this.

Ms. Mumma responded that in fact, the properties do not have to be contiguous, citing the fact that this NCA includes land on both the east and west sides of the river.

Ms. Chinnici-Zuercher asked if there are any dates that are important to the developer in terms of financing or items of that nature.

Matthew Starr, Crawford Hoying, 555 Metro Place stated that they would like to be before Council in 60 days with the development agreement, but he acknowledged there is much work to be completed on the agreement. They desire to break ground on the project sometime in April.

Vice Mayor Gerber moved to dispense with the public hearing and for passage as an emergency.

Mr. Reiner seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Reiner, yes; Mr. Lecklider, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes.

Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mr. Lecklider, yes; Ms. Salay, yes; Mr. Reiner, yes; Mayor Keenan, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes.

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Keenan moved to adjourn to executive session at 6:21 p.m. for personnel matters related to the appointment of a public official.

Vice Mayor Gerber seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Ms. Salay, yes; Mr. Reiner, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes.

The meeting was reconvened and adjourned at 6:45 p.m.

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Mayor – Presiding Officer

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Clerk of Council